IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 11543 of 2004

Between:

V. Sanjeeva Rao, S/o Madhava Rao, Hindu,
R/o D.No. 11-452-96, Naik Nagar, Ananthapur.

..... PETITIONER

AND

The Depot Manager, APSRTC, Ananthapur
Depot, Ananthapur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the proceedings No. 03/2(8)/04-82 dated 6-4-2004 of the respondent as illegal, arbitrary and in violation of Principles of natural justice and in violation of Art 14 and 21 of the Constitution of India and consequently direct the respondent to reinstate the petitioner into service with all benefits

Counsel for the Petitioner: MR.S.SURENDRA KUMAR

Counsel for the Respondent: MR.Y.VIVEKANANDASWAMY

The Court made the following:

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ORDER:

At request of both the counsel, the main writ petition is taken up for disposal at the stage of admission.

For the accident said to have been caused by the petitioner while he was driving the bus bearing registration No. AP-10-Z-7169 on Tadipatri to Gugudu route, wherein three persons sustained injuries, the Police registered a case against him under Sections-337 and 338 of the Indian Penal Code. For his negligent driving, a show cause notice, dated 24.03.2004, is issued calling for his explanation. As the explanation was not satisfactory, the respondent-Corporation deleted the name of the petitioner from the selection list by impugned proceedings No.03/2(A)/04/04-ATP dated 06.04.2004. Questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contended that no regular enquiry was conducted by the respondent-Corporation and that no opportunity was given to the petitioner to defend his case and the case registered by the Police is still pending. Therefore, the order passed by the respondent-Corporation is without jurisdiction.

On the other hand, the learned Standing counsel appearing for the respondent contended that the petitioner is only a temporary employee and as per the regulations, his name can be deleted from the selection list after giving show

cause notice. In this case a show cause notice was given to the writ petitioner and therefore, the impugned order does not suffer from any legal infirmities. Hence, he prays to dismiss the writ petition.

No doubt, the regulations of the respondent-Corporation do contemplate for deleting the name of conductor or driver from the selection list after he is found to be negligent in discharging his duties. In respect of the present accident, a case was registered by Police under Sections-337 and 338 of the Indian Penal Code and the said case is still pending. After issuing the charge sheet and after calling for an explanation, the impugned proceedings have been passed wherein the name of the petitioner has been deleted from the selection list. Admittedly, no enquiry was conducted in this case. The petitioner was selected as a driver by a duly constituted Selection Committee. Though the regulations do contemplate for deleting the name of the petitioner from the selection list but the principles of natural justice require that a fair opportunity should be given to the petitioner so as to defend the charges or allegations levelled against him. Therefore, the impugned order passed is in violation of the principles of natural justice. Hence, it is a fit case where this Court can interfere at the stage of admission and the impugned proceedings dated 06.04.2004 is set-aside.

The writ petition is accordingly allowed. However, this order will not preclude the respondent-Corporation from taking any disciplinary action as per the regulations. No costs.

That Rule nisi has been made absolute as above.
Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the eighth day of July, Two thousand and Four.

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(K.C.BHANU, J)

08.07.2004
dr

To

1. The Depot Manager, APSRTC, Ananthapur
   Depot, Ananthapur.
2. Two CD copies.